

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHERYL BATES,	)	
	)	
Plaintiff,	)	4:08CV3118
	)	
v.	)	
	)	
SOCIAL SECURITY ADMINISTRATION, )		MEMORANDUM AND ORDER ON
Michael J. Astrue, Commissioner Of Social )		PLAINTIFF'S APPLICATION FOR
Security Administration, )		ATTORNEY FEES UNDER THE EQUAL
	)	ACCESS TO JUSTICE ACT
Defendant.	)	
	)	

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Now before me is Plaintiff Cheryl Bates' application for attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. (See filing 33.) The plaintiff requests a fee award in the amount of \$3832. (See, e.g., filing 33 at p. 4). The “[d]efendant does not contest the award of attorney fees under the EAJA, 28 U.S.C. § 2412, in the total amount of \$3,832, which represents 23.95 hours of attorney time at \$160.00 per hour.” (Filing 36)

The EAJA authorizes an award of “fees and other expenses” to a “prevailing party” in a case against the United States, “unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.” 28 U.S.C. § 2412(d)(1)(A). I find that the plaintiff is a “prevailing party” within the meaning of the EAJA; that the defendant’s position was not “substantially justified”; that there are no special circumstances that make an award unjust; that the plaintiff’s counsel’s devotion of 23.95 hours of work to this case and an hourly rate of \$160.00 was reasonable.

**IT IS ORDERED** that the plaintiff's application for attorney fees under the Equal Access to Justice Act, filing 33, is granted, and the plaintiff is awarded attorney fees in the amount of \$3832.00.

Dated August 26, 2009.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge